

Attorney Docket: 060258-0282898
Client Reference: 2980651US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: CARSTEN Confirmation Number: 7410
THORMOD PEDERSEN , ET AL.
Application No.: 09/870,277 Group Art Unit: 3624
Filed: May 30, 2001 Examiner: Karmis, Stefanos
Title: DEPOSITING METHOD AND ARRANGEMENT

REQUEST FOR RECONSIDERATION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated December 29, 2005, please reconsider the patentability of the pending claims based on the following remarks. The Office Action rejected claims 1-14 under 35 U.S.C. 103(a) as being unpatentable over Katz et al. (US 6424706; hereafter "Katz") in view of Fougnyes et al. (US 5854975; hereafter "Fougnyes"). Applicant traverses the rejection because Katz is not prior art to the present application and Fougnyes fails to teach or suggest all the features recited in the rejected claims.

As stated previous, Katz was filed March 31, 1999, after the foreign priority date of December 10, 1998 of the present application.

Contrary to the repeated assertions of the Office Action, the present application can and has claimed priority from the Finnish application because the present application is a national phase application of a PCT application (PCT/FI99/00995) having, as its filing date, the PCT filing date of December 2, 1999, within one year of the Finnish priority Application (FI 982678) filed December 10, 1998.

Applicants direct the Office's attention to 35 U.S.C. 363. (International application designating the United States: Effect, which states "An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in section 102(e) of this title."

Further support can be found, for example, in MPEP, section 1893.03(b) "The Filing Date of a U.S. National Stage Application [R-3]" stating "An international application designating the U.S. has two stages (international and national) with the filing date being the same in both stages. Often the date of entry into the national stage is confused with the filing date. It should be borne in mind that the filing date of the international stage application is also the filing date for the national stage application.

Because the priority document (Finnish Application FI 982678) was filed in English, there is no need to file a verified English translation to perfect priority. Thus, the priority date of the present application is December 12, 1998, and, as a consequence, Katz fails to qualify as prior art since Katz has been filed March 31, 1999, which is later than the priority date of the present application. Fougnyes, by itself, fails to teach or suggest all of the features recited in the claims. Accordingly, the rejection is traversed.

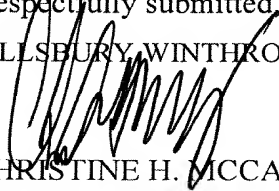
Applicants also challenge the finality of the present Office Action and requests withdrawal thereof because no material amendment was made in response to the last Office Action and the prior art rejection was effectively traversed by the previous claim of priority. Accordingly, Applicants respectfully request that the finality of the Office Action be withdrawn.

In view of the foregoing, the pending claims are believed to be in form for allowance, and a notice indicating such is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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